

Response to Final Office Action of January 28, 2008
09/839,697

REMARKS

In view of the following discussion, the Applicants submit that none of the claims now pending in the application are made obvious under the provisions of 35 U.S.C. §103. Thus, the Applicants believe that all of these claims are now in allowable form.

I. REJECTION OF CLAIMS 1, 3-20 AND 22-40 UNDER 35 U.S.C. § 103

A. Claims 1, 3-14, 17-20, 22-33 and 36-40

The Examiner has rejected claims 1, 3-14, 17-20, 22-33 and 36-40 under 35 U.S.C. §103(a) as being unpatentable over the Calver application (United States Patent Application Publication No. 2001/0032092, published on October 18, 2001, hereinafter "Calver") in view of the Janssen patent (United States Patent No. 6,098,062, issued August 1, 2000, hereinafter "Janssen"). The Applicants respectfully traverse the rejection.

In particular, the Applicants respectfully submit that Calver and Janssen, singly or in any permissible combination, fail to disclose or suggest the novel invention of generating and publishing a new argument supporting an associated conclusion, where the argument comprises: (1) a template selected by a user and including a plurality of questions; (2) the user's answers to the template questions; (3) supporting evidence provided by the user in connection with the answers; and (4) the associated conclusion, indicating whether a situation given by the completed template will likely have a positive or negative result, as recited by Applicants' independent claims 1, 20, 39 and 40.

Specifically, independent claims 1, 20, 39 and 40 recite:

1. An analytical system for facilitating decision making given a situation by generating and accessing arguments, wherein each argument supports an associated conclusion as to whether the given situation will likely have a negative or positive result, the analytical system comprising:
 - a database for storing a plurality of templates that each include a plurality of questions which when answered generate a particular argument supporting an associated conclusion regarding a particular situation that is based on answers to its associated template questions; and
 - an argument server comprising:
 - means for a user to select one of the templates which is most relevant to the given situation

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means for receiving answers to one or more of the selected template's questions from said user;

means for receiving supporting evidence from said user in response to said one or more of the selected template's questions, the supporting evidence being relied on by the user to form at least one of the answers;

means for associating said supporting evidence received from said user with said answers to said template questions;

means for determining a conclusion supported by said answers, said conclusion indicating whether the given situation will likely have a positive or negative result;

means for generating a new argument supporting the conclusion, the argument comprising the selected template, the associated answers, the supporting evidence and the conclusion; and

means for publishing said new argument, including said answers, said supporting evidence and said associated conclusion, for review.
(Emphasis added)

20. A method for facilitating decision making given a situation by accessing or generating an argument supporting a conclusion for the given situation, the method comprising:

presenting to a user a plurality of searchable templates, wherein each template includes a plurality of questions;

receiving from said user a selection of one of said templates, said one of said templates being a relevant template most related to the given situation;

receiving from said user one or more answers to one or more questions of the relevant template;

receiving from said user supporting evidence in response to said one or more questions, the supporting evidence being relied on by the user to form at least one of the answers;

associating said supporting evidence with at least one answered template associating said supporting evidence received from said user with at least one answered template question;

determining a conclusion supported by said answers, said conclusion indicating whether the given situation will likely have a positive or negative result;

forming a new argument supporting the conclusion, the argument comprising the selected one of said templates, the one or more answers, the supporting evidence and the conclusion; and

publishing said new argument, including said at least one answered template question, said supporting evidence and said conclusion, for review.
(Emphasis added)

39. A computer readable medium containing program instructions for

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facilitating decision making given a situation by accessing or generating an argument supporting a conclusion for the given situation, the computer readable medium comprising:

- computer code for presenting to a user a plurality of searchable templates, wherein each template includes a plurality of questions;

- computer code for receiving from said user a selection of one of said templates, said one of said templates being a relevant template most related to the given situation;

- computer code for receiving from said user one or more answers to one or more questions of the relevant template;

- computer code for receiving from said user supporting evidence in response to said one or more questions, the supporting evidence being relied on by the user to form at least one of the answers;

- computer code for associating said supporting evidence received from said user with at least one answered template question;

- computer code for determining a conclusion supported by said answers, said conclusion indicating whether the given situation will likely have a positive or negative result;

- computer code for forming a new argument supporting the conclusion, the argument comprising the selected one of said templates, the one or more answers, the supporting evidence and the conclusion;

- computer code for publishing said new argument, including said answers, said supporting evidence and said conclusion, for review; and

- a computer readable medium that stores the computer codes. (Emphasis added)

40. A computer system operable facilitate decision making given a situation by accessing or generating an argument supporting a conclusion for the given situation, the computer system comprising:

- one or more processors;

- one or more memory, wherein at least one of the processors and memory are adapted to:

- present to a user a plurality of searchable templates, wherein each template includes a plurality of questions;

- receive from said user a selection of one of said templates, said one of said templates being a relevant template most related to the given situation;

- receive from the user one or more answers to one or more questions of the relevant template;

- receive from the user supporting evidence in response to the one or more questions, the supporting evidence being relied on by the user to form at least one of the answers;

- associate the supporting evidence received from said user with at least one of the one or more answers;

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determine a conclusion supported by said answers, said conclusion indicating whether the given situation will likely have a positive or negative result;
form a new argument supporting the conclusion, the argument comprising the selected one of said templates, the one or more answers, the supporting evidence and the conclusion; and
publish the new argument, including the one or more answers, the supporting evidence and the conclusion, for review. (Emphasis added)

As discussed above, a published argument, as claimed by the Applicants, comprises four main components: (1) a template selected by a user and including a plurality of questions; (2) the user's answers to the template questions; (3) supporting evidence provided by the user in connection with the answers; and (4) the associated conclusion, indicating whether a situation given by the completed template will likely have a positive or negative result. Once the conclusion is generated, all four of these components are published so that the user, or another individual viewing the published argument, can follow the line of reasoning that led to the conclusion.

The Applicants respectfully submit that, even when combined, Calver and Janssen simply do not teach, show, or suggest publishing an argument that includes all of the components claimed by the Applicants. Specifically, the combination of Calver and Janssen fails to teach a published argument that includes a template (questions), user answers, user-provided supporting evidence, and an associated conclusion.

Calver's "published argument" fails to include questions posed to a user (*i.e.*, a "template"), the user's answers to the questions, or user-provided supporting evidence supporting the user's answers. The only end result (*i.e.*, "argument") that could be considered "published" by Calver is a list of "the types of products that can benefit the user" (See, *e.g.*, Calver at paragraph 0078). Thus, Calver's "published argument" comprises, at most, a conclusion and nothing more. Although Calver does pose questions to a user at different points in the process of generating a recommendation ("conclusion"), neither these questions nor the user's answers to the questions are ultimately published with the recommendation.

Moreover, Calver does not teach allowing a user to provide supporting evidence to support his or her answers to template questions, much less publishing this user-

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provided supporting evidence. To support these features, the Examiner cites a portion of Calver that gives a user the option to have links presented to him or her containing product information about the products that are recommended. As previously argued by the Applicants, this information is not provided by the user and does not support the user's answers to the template questions. Rather, the information is provided by the system and simply provides additional information about recommended products. Thus, this information may at best be considered part of the system's conclusion. Thus, Calver clearly does not publish, along with the list of suggested products (the "conclusion"), the questions (template) that the user answered, the user's answers, or any user-provided supporting evidence.

Janssen, likewise, does not teach or suggest publishing an argument that includes all of the components claimed by the Applicants. Specifically, Janssen's "published argument" fails to include questions posed to a user (*i.e.*, a "template") or the user's answers to the questions. The only end result (*i.e.*, "argument") that could be considered "published" by Janssen is "data corresponding to a hypotheses and its corresponding counter-hypothesis, data corresponding to grounds provide a basis for inference of the hypothesis or its corresponding counter-hypothesis, data corresponding to a warrant linking the grounds to the hypothesis or its corresponding counter-hypothesis, and data corresponding to backing that certifies the warrant" (*See, e.g.*, Janssen, Abstract). Thus, Janssen's "published argument" comprises, at most, a conclusion and supporting evidence.

Janssen's "published argument" does not include questions posed to a user or the user's answers to the questions. Janssen, in fact, does not even present questions to a user, much less receive answers to questions. Rather, Janssen works backwards from the hypothesis ("conclusion") and allows a user to provide the grounds ("supporting evidence") for the conclusion. Thus, the argument structure that is "published" by Janssen clearly does not include questions (*i.e.*, a "template") or a user's answers to those questions.

The Examiner submits in the Final Office Action that the Applicants are arguing against Calver and Janssen individually (*See*, Final Office Action, Page 20). The

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Applicants respectfully submit that they are not arguing against Calver and Janssen individually, but merely assessing the teachings of Calver and Janssen individually in order to show that the combination of Calver and Janssen cannot support a *prima facie* case of obviousness. "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art" (MPEP 2143.03). In the present application, there are certain features of the claimed invention, namely, the publication of a template and user answers to questions in the template, that neither Calver nor Janssen teaches or suggests. If neither Calver nor Janssen teaches these features, then the combination of Calver and Janssen likewise cannot teach these features and cannot support a *prima facie* case of obviousness.

Moreover, the Applicants submit that Calver actually teaches away from combination with Janssen. The Examiner explains at length in the Final Office Action that, essentially, "omission of a teaching is not teaching away" (Final Office Action, Page 20). The Applicants respectfully submit, however, that they are not arguing that Calver and Janssen teach away from each other based on an omission. Rather, Calver and Janssen teach away from each other because the line of development flowing from Calver's disclosure is unlikely to be productive of the result sought by Janssen, and vice versa.

In particular, the Applicants submit that Calver and Janssen teach processes that are the reverse of each other. Calver, for example, begins with a question for which a conclusion is sought (e.g., what products or services is a user likely to be interested in?), and works toward the conclusion through a series of questions posed to the user. Janssen, by contrast, begins with a conclusion (hypothesis), and works away from the conclusion by building support for or against it.

Consider the result sought by Calver: to recommend products in which a user is likely interested. If Calver were to start by hypothesizing that a user were interested in a particular product, without first soliciting any information from the user (e.g., as taught by Janssen), a lengthy process of trial and error would likely result before a product in which the user is interested is identified. This would render the process of Calver unsatisfactory for its intended purpose, namely, to provide information that is "tailored to

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the needs and requirements of the customer" (Calver, Paragraph 0015). "If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification" (MPEP 2143.01 (V)). Thus, the line of development flowing from Janssen simply does not lend itself to a process in which a universe of options is gradually narrowed, as taught by Calver.

On the other hand, consider the result sought by Janssen: to build support for or against an already generated hypothesis. If Janssen were to start by first asking questions of a user, without a conclusion already in place (e.g., as taught by Calver), this would clearly change Janssen's entire principle of operation. "If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious" (MPEP 2143.01 (VI)). Thus, the line of development flowing from Calver simply does not lend itself to a process in which a conclusion is already in place and need only be provided with support.

Thus, the Applicants respectfully submit that the disclosure of Calver teaches away from combination with Janssen. Moreover, as discussed above, even if the combination of Calver and Janssen were appropriate, the combination still fails to teach, show, or suggest every feature of the Applicants' claimed invention. Specifically, the combination of Calver and Janssen fails to teach a published argument that includes a template (questions), user answers, user-provided supporting evidence, and an associated conclusion, as recited by the Applicants' independent claims 1, 20, 39, and 40.

Accordingly, the Applicants submit that for at least the reasons set forth above, independent claims 1, 20, 39 and 40 fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Dependent claims 3-14, 17-19, 22-33 and 36-38 depend from claims 1 and 20 and recite additional features therefore. As such, and for at least the reasons set forth above, the Applicants submit that claims 3-14, 17-19, 22-33 and 36-38 are not made obvious by the teachings of Calver in view of Janssen. Therefore, the Applicants submit that dependent claims 3-14, 17-19, 22-33 and 36-38

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also fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

B. Claims 15-16 and 34-35

The Examiner has rejected claims 15-16 and 34-35 under 35 U.S.C. §103(a) as being unpatentable over Calver in view of Janssen and further in view of the Grosser et al. patent (United States Patent No. 6,826,552, issued November 30, 2004, hereinafter "Grosser"). The Applicants respectfully traverse the rejection.

As discussed above, the teachings of Calver and Janssen, singly or in any permissible combination, fail to disclose or suggest the novel invention of generating and publishing a new argument supporting an associated conclusion, where the argument comprises: (1) a template selected by a user and including a plurality of questions; (2) the user's answers to the template questions; (3) supporting evidence provided by the user in connection with the answers; and (4) the associated conclusion, indicating whether a situation given by the completed template will likely have a positive or negative result. Grosser fails to bridge this gap in the teachings of Calver and Janssen. Therefore, the Applicants submit that for at least the reasons set forth above, independent claims 1 and 20 fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

Dependent claims 15-16 and 34-35 depend from claims 1 and 20 and recite additional features therefore. As such, and for at least the reasons set forth above, the Applicants submit that claims 15-16 and 34-35 are not made obvious by the teachings of Calver in view of Janssen and further in view of Grosser. Therefore, the Applicants submit that dependent claims 15-16 and 34-35 also fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

II. CONCLUSION

Thus, the Applicants submit that all of the presented claims fully satisfy the requirements of 35 U.S.C. §103. Consequently, the Applicants believe that all of the presented claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

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If, however, the Examiner believes that there are any unresolved issues requiring the maintenance of the final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

3/28/08

Date

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